REMARKS

Applicants have amended claims 1, 7 and 13. No claims have been cancelled, and therefore, eighteen (18) claims remain pending: Claims 1-18. Applicants respectfully request reconsideration of claims 1-18 in view of the amendments above and remarks below.

Initially, Applicants acknowledge with appreciation the Examiner's willingness to take part in the telephonic interview on February 9, 2006.

By way of this response, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Summary of Applicant Initiated Examiner Interview

1. Per 37 CFR § 133(b), the following is a brief summary of the Examiner interview conducted February 9, 2006 via telephone between Thomas F. Lebens and Steven M. Freeland, Attorneys of Record, and Examiner Bashore. Claim 1 was discussed in view of cited U.S. Patent No. 6,161,132 (Roberts et al.) regarding the claimed "predefined threshold period". Applicants' representatives argued that Roberts fails to teach a determination whether requests are received during a threshold period prior to a start time initially beginning a simultaneous event as claimed. It was shown that Roberts instead teaches away from such a configuration because Roberts requires a chat room to be started upon receipt of a first request and thus there is no reason to determine whether a request is received during a threshold period prior to beginning the start of a simultaneous event. The Examiner stated he would take the arguments into consideration and call Applicants' representatives back.

The Examiner on February 14, 2006 contacted Applicants' representatives following up on the Examiner interview of February 9, 2006 indicated that the grounds for rejection are maintained based on an interpretation of "beginning" as occurring any time during the event.

Claim Rejections - 35 U.S.C. § 103

2. Claims 1-18 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,161,132 (Roberts et al.). Applicants respectfully traverse these rejections, because the Roberts patent fails to teach or suggest at least each element of at least independent claims 1, 7 and 13. More specifically, claim 1 for example recites at least in part:

> determining whether each request is received during a predefined threshold period prior to a start time of initially beginning the simultaneous playback of the event; and
>
> sending the command to the corresponding client apparatus for initially beginning the playback of the event at the start time simultaneously with the playback of the event on each of the remaining client apparatuses for those requests received during the predefined threshold period, and sending the command to the corresponding client apparatus for beginning the simultaneous playback of the event simultaneously at a predetermined point during the playback for those requests not received during the threshold period. (Claim 1, emphasis added).

Applicants respectfully submit that claim 1 has been amended further clarify the "predefined threshold period" as being a period prior to a start time of initially beginning the simultaneous playback of the event on a plurality of client apparatuses. The Roberts patent fails to teach at least such a predefined threshold period, or performing any type of determination of whether requests are received during the predefined threshold period prior to a start time of initially beginning the simulations playback of the event. In addition, the Roberts patent fails to teach sending the command associated with the type of playback device "at the start time" if the request is received during the predefined threshold period, and sending the command associated with the type of playback device "at a predetermined point" if the request is not received during the threshold period. No such distinction in the timing of a command is made by Roberts for requests received during the threshold period, and requests not received during the threshold period.

This claimed functionality is consistent with a system in which requests are "queued" until a "start time" and then playback simultaneously initiated. This claimed functionality is further consistent with a system in which requests arriving after the "start time" result in the initiation of playback occurring at a "predetermined point" (after the "start time") so as to synchronize playback on the client apparatuses initiating such requests with playback on other client apparatuses for which playback has previously been initiated.

Instead, the Roberts patent specifically teaches away from making such a determination because the Roberts patent describes immediately activating a chat room upon receipt of a first request, and all subsequent requests received are joined to the already existing chat room. There is no command sent to the client apparatus to initiate playback ("playback" in accordance with Roberts is initiated immediately upon receipt of a request), and the timing of such command for initiating playback is not determined as a function of whether a request was received during a threshold period. Therefore, the Roberts patent does not teach or suggest at least determining whether each request is received during a predefined threshold period prior to initially beginning simulations playback at a start time, and instead only describes determining whether a chat room is active when a request is received. Once a first request is received, the chat room is activated, and any other requests for that chat room are directed to the already active chat room. As such, following the initial request, all subsequent requests cannot be during a predefined threshold period prior to initially beginning a simultaneous playback on a plurality of client apparatuses at a start time, and before the initial request, there can be no predefined threshold period prior to initially beginning a simultaneous playback on the plurality of client apparatuses at the start time (because the "playback," i.e., activating of the chat room, is initiated upon receipt of the first request, and not "simultaneously" on a plurality of client apparatuses). Therefore, because Roberts teaches away from the method of claim 1, claim 1 is not obvious in view of the Roberts patent.

Further, because the chat room is activated at a first request, Roberts teaches away from sending commands to a plurality of client apparatuses to "initially [begin] the playback of

the event at the start time simultaneously with the playback of the event on each of the remaining client apparatuses for those requests received during the predefined threshold period" as recited in claim 1. Instead, the Roberts patent only initially starts the chat room for a first requesting client device, and all other requesting client devices join during the chat room session. Therefore, the Roberts patent also fails to teach at least the "sending [of] the command to the corresponding client apparatus for initially beginning the playback of the event at the start time simultaneously with the playback of the event on each of the remaining client apparatuses for those requests received during the predefined threshold period" as recited in claim 1, and thus, claim 1 is not obvious in view of the Roberts patent.

Additionally, the office action attempts to equate a response time between an "initial communication of a CDs identifier, to the ultimate starting point of a chat room" to the claimed "predefined threshold period" (office action, page 7, paragraph 6, see also pages 3 and 4). However, this communication response time cannot be defined as a predefined threshold period because it is simply a response time. Further, this response time is not a "predefined" period, but instead varies with every user depending on the connection of the users computer, internet traffic, website traffic, chat room traffic and other effects, and thus, is not a "predefined" period but completely varying based on response times and network traffic.

Moreover, each user of Roberts will have a unique period of time between "initial communication... to ultimate start point" and each unique period following the first request are after the start time of the chat room simultaneous playback. Therefore, Roberts specifically teaches away from multiple requests being received during a single "predefined threshold period" that is prior to a start time to initially begin simultaneous playback as claimed. Further, the time between the "initial communication ... to ultimate start point" of a single user connecting to an already active chat room cannot be equated to the receiving requests prior to the start time for initially beginning simultaneous playback of the event, or determining whether **each** request is received during **the** predefined threshold period prior to the simultaneous playback of the event

as claimed. Therefore, the Roberts patent fails to teach or suggest each limitation as recited at least in claim 1, and thus, claim 1 is not obvious in view of the Roberts patent.

Still further, if one defines arguendo that the predefined threshold period can be equated to the time between the "initial communication ... to ultimate start point", then the Roberts patent cannot teach or suggest "sending the command to the corresponding client apparatus for beginning the simultaneous playback of the event simultaneously at a predetermined point during the playback for those requests not received during the threshold period" as recited in claim 1, because each inquiry from a user to join the chat room of Roberts has to include the time between an "initial communication ... to ultimate start point" for that user. Thus, there would be **no requests** that were not received during a threshold period and therefore, there would be no reason to determine whether requests are received during the threshold period, and if Roberts is read this way does not teach "sending the command to the corresponding client apparatus ... for those requests not received during the threshold period" because all requests would be received during the "threshold period" of "initial communication" ... to ultimate start point". Therefore, the Roberts patent does not teach each limitation of at least claim 1, and instead teaches away from the method of claim 1.

Additionally, the office action in paragraph 6, on page 7, in response to Applicants prior arguments suggests "it is well within reason that Roberts can ultimately begin a chat room with a plurality of devices queued up and waiting" (emphasis added). However, Roberts specifically **teaches away** from queuing up a plurality of users. Specifically, Roberts activates a chat room upon receipt of a **first** inquiry associated with a specific CD, and **all** subsequent inquires associated with that CD are directed to the active chat room (see at least Roberts, col. 7, lines 11-30). Thus, the Roberts patent specifically teaches away from queuing up users in that the first inquiry associated with a CD activates a chat room, and no queuing would be performed because any additional inquires would be directed to the active chat room. Therefore, the Roberts patent fails to teach or suggest each limitation as recited at least in claim 1

and instead teaches away from the method of claim 1. Thus, claim 1 is not obvious in view of the Roberts patent.

Independent claims 7 and 13 include language that is similar to claim 1 and have also been amended to include amendments that are similar to the amendments made in claim 1. As such, the arguments presented above with respect to claim 1 can similarly be applied to claims 7 and 13. Therefore, claims 7 and 13 are also not obvious in view of the Roberts patent.

Further, claims 2-6, 8-12 and 14-18 depend from independent claims 1, 7 and 13 respectively. Therefore, claims 2-6, 8-12 and 14-18 are also not obvious for at least their dependency on claims 1, 7 and 13.

CONCLUSION

Applicants submit that the above remarks demonstrate that the pending claims are in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

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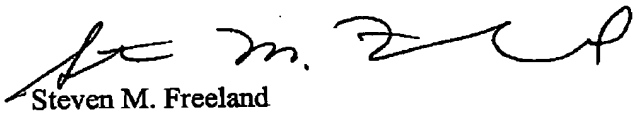
Respectfully submitted,



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